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HEAD QRS. DEPARTMENT NORTH CAROLINA, }  
January 22, 1864. }

GENERAL ORDERS, }

No. 4. }

I. At a General Court Martial convened at Weldon, North Carolina, by virtue of Special Orders No. 7, Head Qrs. Dep't N. C., were arraigned and tried the following prisoners: The specifications being lengthy and minute, are omitted in this order.

12.—Private M. J. McSwain, Co. C, 35th Reg't N. C. T.  
Charge 1st, - - Leaving his Regiment in face of the enemy without permission.

Charge 2d, - - Positive disobedience of orders  
*Finding.*

Of the specification of the 1st charge, - Guilty.

Of the 1st charge, - - - - Guilty.

*Sentence.*

And the court do therefore sentence the said M. J. McSwain, private company C, 35th N. C. Regiment, to be confined at hard labor for six (6) months in the penitentiary.

*Finding.*

Of the 1st specification of 2d charge, - Guilty

Of the 2d specification of 2d charge, - Guilty

Of the 3d specification of 2d charge, - Guilty

Of the 2d charge, - - - - Guilty

*Sentence.*

And the court do therefore, sentence the said M. J. McSwain, private Co. C, 35th Reg't N. C. T., to carry a log weighing fifty pounds, in the presence of his Reg't on parade, and to be afterwards confined at hard labor in the penitentiary for six (6) months, exclusive of the time specified in the foregoing sentence.

13. Private J. A. Poteet, Co. B, 35th Reg't N. C. Troop s  
Charge, - - - - - Desertion.

*Finding.*

Of the specification, - - - - Guilty

except as to the words until arrested:

Of the charge, - - - - Guilty.

*Sentence.*

And the court do therefore, sentence the said J. A. Poteet, Co. B, 35th Regt. N. C. Troops, to be confined for six months at hard labor in the Penitentiary.

14.—Private Joseph H. Trafinstead, Co. H, 25th Regiment N. C. Troops.

Charge, - - - - - Desertion.

*Finding.*

Of the specification, - - - Guilty.

Of the charge, - - - Guilty.

*Sentence.*

And the court do therefore, sentence the said Joseph H. Trafinstead, private Co. H, 25th Regt. N. C. Troops, two thirds of the members concurring therein, to be shot to death with musketry.

15.—Private A. E. Cook, Co. K, 35th Regt. N. C. Troops.

Charge, - - - - - Desertion.

*Finding.*

Of the specification, - - - Guilty.

Of the charge, - - - Guilty.

*Sentence.*

And the court do therefore, sentence the said A. E. Cook, private Co. K, 35th Regt. N. C. Troops, to be branded on the left hip with the letter "D" two and a half inches in length, and to be confined at hard labor for five months in the Penitentiary.

16.—Private Samuel Smith, Co. K, 35th Regt. N. C. Troops.

Charge, - - - - - Desertion.

*Finding.*

Of the specification, - - - Guilty.

Of the charge, - - - Guilty.

*Sentence.*

And the court do therefore, sentence the said Samuel Smith, private Co. K, 35th Reg't N. C. T., two thirds of the members of the court concurring therein, to be shot to death with musketry.

17.—Private Levi Boughman, Co. K, 35th Regt. N. C. Troops.

Charge, - - - - - Desertion.

*Finding.*

Of the specification, - - - Guilty.

Of the charge, - - - Guilty.

*Sentence.*

And the court do therefore, sentence the said Levi Boughman private Co. K, 35th Regt. N. C. T. to be confined for five months at hard labor in the Penitentiary.

18.—Private L. H. Erwin, Co. K, 35th Regt. N. C. Troops.  
Charge, - - - - - Desertion.

*Finding.*

Of the specification, - - - Guilty.

Of the charge, - - - Guilty.

*Sentence.*

And the court do therefore, sentence the said L. H. Erwin, private Co. K, 35th Regt. N. C. Troops, to be confined for five months at hard labor in the penitentiary.

19.—Private James B. Ussery, Co. B, 35th Regt. N.C. Troops.  
Charge, - - - - - Desertion.

*Finding.*

Of the specification, - - - Guilty, except the word  
"28th September."

Of the charge, - - - Guilty.

*Sentence.*

And the court do therefore, sentence the said James B. Ussery private Co. B, 35th Regt. N. C. Troops, to be confined at hard labor for five months in the Penitentiary.

20.—Private Gideon S. Robinson, Co. E, 35th Regt. N. C. Troops.

Charge, - - - - - Desertion.

*Finding.*

Of the specification, - - - Guilty.

Of the charge, - - - Guilty.

*Sentence.*

And the court do therefore, sentence the said Gideon S. Robinson, private Co. E, 35th Regt. N. C. Troops, to be confined at hard labor for five months in the Penitentiary.

21.—Private Joseph H. Vaughn, Co. D, 25th Regiment N. C. Troops.

Charge, - - - - - Desertion.

*Finding.*

Of the specification, - - - Guilty.

Of the charge, - - - Guilty.

*Sentence.*

And the court do therefore, sentence the said Jos. H. Vaughn, private Co. D, 25th Reg't N. C. Troops, two thirds of the members concurring therein, to be shot to death with musketry.

22.—Private Arbott Blalock, Co. E, 35th Regt N. C. Troops.  
Charge, - - - - - Desertion.

	<i>Finding.</i>	
Of the specification,	- - - -	Guilty
Of the charge,	- - - -	Guilty

*Sentence.*

And the court do therefore, sentence the said Arbott Blalock, private Co. E, 35th Regt. N. C. T., to be confined at hard labor for five months in the penitentiary.

23.—Private John Jones, Co. E, 35th Regt. N. C. Troops.  
Charge, - - - - Desertion

	<i>Finding.</i>	
Of the specification,	- - - -	Guilty.
	except 'until apprehended and brought back.'	
Of the charge,	- - - -	Guilty!

*Sentence.*

And the court do therefore, sentence the said John Jones, private Co. E, 35th Regt. N. C. Troops, to be branded on the left hip with the letter "D" two and a half inches in length, and to be confined at hard labor for twelve months in the penitentiary.

24.—Private Zimri Costnir, Co. H, 49th Reg't N. C. Troops.  
Charge, - - - - Desertion.

	<i>Finding.</i>	
Of 1st specification,	- - - -	Guilty,
	except the words 'brought back;' but the specification being covered by the President's proclamation, the court award no punishment.	
	- - - -	Guilty,
	except the words '28th Feb'y;' but the specification being covered by the President's proclamation, the court award no punishment.	
Of 3d specification,	- - - -	Guilty
Of the charge,	- - - -	Guilty

*Sentence.*

And the court do therefore, sentence the said Zimri Costnir, private Co. H, 49th Reg't N. C. T., two thirds of the members of the court concurring therein, to be shot to death with musketry.

25.—Private Wm. A. Jarrett, Co. B, 35th Reg't N. C. Troops.  
Charge, - - - - Absence without leave.

*Finding.*

Of the specification,	-	-	-	-	Guilty.
Of the charge,	-	-	-	-	Guilty.

*Sentence.*

And the court do therefore, sentence the said William A. Jarrett, private Co. B, 35th Regt. N. C. T., to carry a log weighing fifty (50) pounds two hours each day, for six consecutive days, and to be kept under guard during the time stated.— And the court is thus lenient on account of the previous good character of the prisoner.

26.—Private W. P. Sharp, Co. E, 49th Reg't N. C. Troops.  
Charge, - - - - - Desertion.

*Finding.*

Of the specification,	-	-	-	-	Guilty.
Of the charge,	-	-	-	-	Guilty.

*Sentence.*

And the court do therefore, sentence the said W. P. Sharp, private Co. E, 49th Regt. N. C. T., to be confined for five (5) months at hard labor in the penitentiary.

27.—1st Lieut. Giles Bowers, Co. C, 49th Regt. N. C. Troops.  
Charge, - - - Violation of the 77th Article of War.

*Finding.*

Of the 1st specification,	-	-	-	-	Guilty
Of the 2d specification,	-	-	-	-	Guilty
Of the charge,	-	-	-	-	Guilty

*Sentence.*

And the court do therefore, sentence the said Lieutenant Giles Bowers, Co. C, 49th N. C. Regiment, to be cashiered.

28.—Private Sam'l Prewit, Co. K, 35th Regt., N. C. Troops.  
Charge, - - - - - Desertion.

*Finding.*

Of the specification,	-	-	-	-	Guilty.
Of the charge,	-	-	-	-	Guilty.

*Sentence.*

But the court award no punishment against Samuel Prewit, private Co. K, 35th Regt. N. C. Troops, his case being covered according to the testimony, by the President's proclamation.

29.—Private L. R. Alexander, Co. E, 10th Ga. Batt. Infy.  
Charge, - - - - - Desertion.

*Finding.*

Of the specification,	-	-	-	-	Guilty.
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except the words 'until he was arrested  
by the enrolling officer.'

Of the charge, - - - - - Not Guilty,  
but Guilty of Absence without Leave.

*Sentence.*

And the court do therefore, sentence the said L. R. Alexander, private Co. E, 10th Ga. Battalion, to wear a ball weighing twelve pounds attached to the left leg by a chain three feet in length, for three months, and to be confined during the time at hard labor.

30.—Private Daniel H. Holmes, Co. G, 10th Regt. (Art.) N. C. Troops.

Charge, - - - - - Desertion.

*Finding.*

Of the specification, - - - - - Guilty.

Of the charge, - - - - - Guilty.

*Sentence.*

And the court do therefore, sentence the said D. H. Holmes, private Co. G, 10th Regt. (Art.) N. C. Troops, two thirds of the members concurring therein, to be shot to death with musketry.

31.—Private Edward Littleton, Co. G, 10th Regt. (Art.) N. C. Troops.

Charge, - - - - - Desertion.

*Finding.*

Of the specification, - - - - - Guilty.

Of the charge, - - - - - Guilty.

*Sentence.*

And the court do therefore, sentence the said Edward Littleton, private Co. G, 10th Regt. (Art.) N. C. Troops, two thirds of the members concurring therein, to be shot to death with musketry.

32.—Private William M. Willis, Co. G, 10th Regt. (Art.) N. C. Troops.

Charge, - - - - - Desertion.

*Finding*

Of the specification, - - - - - Guilty.

Of the charge, - - - - - Guilty.

*Sentence.*

And the court do therefore, sentence the said William M Willis, private Co. G, 10th Reg't (Artillery) N C Troops, two thirds of the members concurring therein, to be shot to death with musketry.

33.—Private James M Pipkins, Co. G, 10th Reg't (Artillery)  
N. C. Troops.

Charge,	-	-	-	-	-	Desertion
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*Finding.*

Of the specification,	-	-	-	-	Guilty
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Of the charge,	-	-	-	-	Guilty
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*Sentence*

And the court do therefore, sentence the said James M. Pipkins, private Co. G, 10th Reg't (Artillery), N. C. Troops, two thirds of the members concurring therein, to be shot to death with musketry.

34.—Private Siles Holloway, Co. G, 10th Reg't (Artillery)  
N. C. Troops.

Charge,	-	-	-	-	-	Desertion
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*Finding.*

Of the specification,	-	-	-	-	Guilty
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Of the charge,	-	-	-	-	Guilty
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*Sentence.*

And the court do therefore, sentence the said Siles Holloway, private Co. G, 10th Reg't N. C. Troops, (Artillery), two thirds of the members concurring therein, to be shot to death with musketry.

35.—Private Joseph Hudson, Co. H, 10th Reg't (Artillery)  
N. C. Troops.

Charge,	-	-	-	-	-	Desertion
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*Finding*

Of the specification,	-	-	-	-	Guilty
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Of the charge,	-	-	-	-	Guilty
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*Sentence*

And the court do therefore, sentence the said Joseph Hudson, private Co. H, 10th Reg't N. C. Troops, (Artillery), two thirds of the members of the court concurring therein, to be shot to death with musketry.

36.—Private John Dobbins, Co. H, 10th Reg't (Artillery)  
N. C. Troops.

Charge,	-	-	-	-	-	Desertion
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*Finding.*

Of the specification,	-	-	-	-	Guilty
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Of the charge,	-	-	-	-	Guilty
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*Sentence.*

And the court do therefore, sentence the said John Dobbins,



private Co. H, 10th Reg't (Artillery) N. C. Troops, two thirds of the members concurring therein, to be shot to death with musketry.

37.—Private Wm. Long, Co. H, 10th Reg't (Artillery) N C. Troops.

Charge,	-	-	-	-	-	Desertion.
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*Finding.*

Of the specification,	-	-	-	-	Guilty
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Of the charge,	-	-	-	-	Guilty
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*Sentence.*

And the court do therefore, sentence the said Wm. Long, private Co. H, 10th Reg't (Artillery) N. C. Troops, two thirds of the members concurring therein, to be shot to death with musketry.

38.—Private Joseph C. Doub, Co. H, 10th Reg't (Artillery) N. C. Troops.

Charge,	-	-	-	-	-	Desertion.
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*Finding.*

Of the specification,	-	-	-	-	Guilty
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Of the charge,	-	-	-	-	Guilty
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*Sentence.*

And the court do therefore, sentence the said Joseph C. Doub, private Co. H, 10th Reg't (Artillery) N. C. Troops, two thirds of the members concurring therein, to be shot to death with musketry.

39.—Private Anderson Shores, Co. H, 10th Reg't (Artillery) N. C. Troops.

Charge,	-	-	-	-	-	Desertion.
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*Finding.*

Of the specification,	-	-	-	-	Guilty
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Of the charge,	-	-	-	-	Guilty
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*Sentence.*

And the court do therefore, sentence the said Anderson Shores, private Co. H, 10th Reg't (Artillery) N. C. Troops, two thirds of the members concurring therein, to be shot to death with musketry.

40.—Private Samuel Hammond, Co. H, 10th Reg't (Art.) N. C. Troops.

Charge,	-	-	-	-	-	Desertion.
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*Finding.*

Of the specification,	-	-	-	-	Guilty.
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Of the charge,	-	-	-	-	Guilty.
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*Sentence.*

And the court do therefore, sentence the said Samuel Hammond, private Co. H, 10th Reg't (Artillery) N. C. Troops, two thirds of the members concurring therein, to be shot to death with musketry.

41.—Private Arthur Dennis, Co. E, 10th Reg't (Artillery,) N. C. Troops.

Charge, - - - - - Desertion  
and subsequent connection with the U. S. Army.

*Finding.*

Of the specification, - - - - - Guilty  
Of the charge, - - - - - Guilty

*Sentence.*

And the court do therefore, sentence the said Arthur Dennis, private Co. E, 10th Reg't (Artillery,) N. C. Troops, to be confined at hard labor for three months in the Government work shop at Salisbury, N. C., with a ball weighing twelve pounds attached by a chain three feet in length to the left ankle. And the court is thus lenient in consideration of the fact of the prisoner's voluntarily returning to re-enter the Confederate service, and dissolving his connection with the army of the United States.

42.—Private Duncan McInnis, Co. D, 49th Regiment N. C. Troops.

Charge, - - - - - Desertion

*Finding.*

Of the specification, - - - - - Guilty  
Of the charge, - - - - - Not Guilty.

but guilty of absence without leave.

*Sentence.*

And the court do therefore, sentence the said Duncan McInnis, private Co. D, 49th Reg't N.C. Troops, to be confined for three months at hard labor in the Government work shop at Salisbury, N. C., with a ball weighing twelve pounds attached by a chain three feet in length to the left ankle.

43.—Private W. L. Reese, Co. F, 25th Reg't N. C. Troops.

Charge 1st, - - - - - Desertion

Charge 2d, - - - - - Conduct prejudicial to good order  
and military discipline.

Charge 3d, - - - - - Murder.

*Finding.*

Of 1st specification 1st charge,	-	-	Guilty
Of 2d specification 1st charge,	-	-	Guilty
Of 1st charge,	-	-	Guilty
Of 1st specification 2d charge,	-	-	Guilty
Of 2d charge,	-	-	Guilty
Of specification 3d charge,	-	-	Guilty
Of 3d charge,	-	-	Guilty

*Sentence.*

And the court do therefore, sentence the said W. L. Reese, private Co. F, 25th Reg't N.C. Troops, two thirds of the members concurring therein, to be shot to death with musketry. And the court in awarding this punishment is not influenced by the 1st and 2d specifications of charge 1st, except so far as they are evidence of character, that charge being covered by the President's proclamation.

II. With the exceptions hereinafter indicated, the proceedings, findings and sentences in the foregoing cases are approved and will be duly carried into execution.

In the case of private Samuel Prewit, Co K, 35th Regiment N C Troops, it clearly coming under the proclamation of the President, and the court therefore awarding no punishment, he will be returned to duty with his company.

In the cases of privates Joseph H Trafinstead, Co H, 25th Reg't N C Troops, Joseph H Vaughn, Co D, 25th Regiment N C Troops, William L Reese, Co F, 25th Reg't N C Troops, Samuel Smith, Co K, 35th Reg't N C Troops, Zimri Costner, Co H, 49th Reg't N C Troops, Daniel H Holmes, William M Willis and James M Pipkins, of Co G, 10th Reg't (Artillery) N C Troops, Joseph Hudson, John Dobbins, William Long, Joseph C Doub and Anderson Shores, of Co H, 10th Reg't (Artillery) N C Troops, the sentence of death is approved and will be duly executed in the presence of their Brigade, (or Regiment, if the Regiment is at the time on detached duty), and by direction of their Brigade Commander in five (5) days after the publication of their sentences to their Regiments.

In the cases of privates Edward Littleton, Co G, 10th Reg't (Artillery) N. C Troops, Silas Holloway, Co G, 10th Regiment (Artillery) N C Troops, and Samuel Hammond, Co H, 10th Reg't (Artillery) N C Troops, in consequence of the unanimous recommendation of the court their sentences are remitted

and they will be returned to duty at once with their Regiments.

In the cases of privates M J McSwain, Co C, 37th Regiment N C Troops, J A Poteet and James B Ussery, Co B, 35th Reg't N C Troops, A E Cook, Levi Boughman, and L H Erwin, Co K, 35th Reg't N C Troops, Gideon J Robinson, Arbott Blalock and John Jones, Co E, 35th Reg't N C Troops, and W P Sharp, Co E, 49th Reg't N C Troops, their Brigade Commander will at once make the proper arrangements for having them received at the Penitentiary and send them there. In the cases of privates A E Cook, Co K, 35th Reg't N C Troops, and John Jones, Co E, 35th Reg't N C Troops, that part of the sentence which requires them to be branded will be executed in the presence of their Regiment before they are sent to the Penitentiary.

In the cases of privates Arthur Dennis, Co E, 10th Reg't (Artillery) N C Troops, and Duncan McInnis, Co D, 49th Reg't N C Troops, as soon as the balls and chains can be procured they will be sent to the commanding officer, at Salisbury, for the further execution of their sentences.

In the case of Lieut. Giles Bowers, in consideration of the recommendation of the court his sentence is remitted and he will resume his sword.

In the cases of privates J A Poteet and James B Ussery, of Co B, 35th Reg't N C Troops, Levi Boughman and L H Erwin, of Co K, 35th Reg't N C Troops, Gideon J Robinson, and Arbott Blalock, of Co E, 35th Reg't N C Troops, and W P Sharp, of Co E, 49th Reg't N C Troops, although the sentences have been approved, the General commanding does not think the punishment awarded is adequate to the offence.

By order

MAJ. GEN. PICKETT.

W. STUART SYMINGTON,

*A. D. C.*

Spoken by the Court in  
in various cases

but mostly by Genl.  
Pickett's command.

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